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ACCELERATION BAY LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ACTIVISION | BLIZZARD, INC., a Delaware
Corporation,

Plaintiff,

v.

ACCELERATION BAY LLC, a Delaware
Limited Liability Corporation,

Defendant.

Case No. 3:16-cv-03375-RS

JOINT STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONSOLIDATE BRIEFING
AND HEARING FOR ACCELERATION
BAY LLC'S MOTION TO DISMISS OR
TRANSFER PLAINTIFFS' COMPLAINTS

Date: September 1, 2016

Time: 1:30 pm

Courtroom: 3, 17th Floor

Before: Honorable Richard Seeborg

Pursuant to Civil Local Rule 6-2, Plaintiffs Take-Two Interactive Software, Inc. (“Take Two”), Rockstar Games, Inc. (“Rockstar”), 2K Sports, Inc. (“2K”), Activision Blizzard, Inc. (“Activision”), and Electronics Art, Inc. (“EA”) (collectively, “Plaintiffs”) and Defendant Acceleration Bay LLC (“Defendant”), by and through their respective counsel, do hereby stipulate and agree to the following:

WHEREAS, Plaintiffs filed Complaints against Defendant in Civil Action Nos. 3:16-cv-03375-RS, 3:16-cv-03377-RS, and 3:16-cv-03378-RS on June 16, 2016 (the “Actions”);

WHEREAS, the parties filed a Joint Administrative Motion to Consider Whether Cases Should be related on July 1, 2016;

WHEREAS, the Court granted the parties’ Motion to Relate Cases Civil Action Nos. 3:16-cv-03375-RS, 3:16-cv-03377-RS, and 3:16-cv-03378-RS on July 5, 2016;

WHEREAS, Defendant recently filed a Motion to Dismiss or Transfer Take-Two Interactive Software, et al.’s Complaint (“Motion”) on July 11, 2016 and filed Motions to Dismiss or Transfer in related Civil Action Nos. 3:16-cv-03375-RS and 3:16-cv-03378-RS on July 15, 2016;

WHEREAS, on July 13, 2016, counsel for the parties met and conferred pursuant to Fed. R. Civ. P. 16 and this Court’s Local Rules;

WHEREAS, the parties agree to streamline the briefing associated with the Motion and to have a single Opposition brief and a single Reply brief filed in all three actions in light of the fact that Defendant’s Motions seek the same relief and having separate deadlines in the three actions will result in unnecessary duplicate filings.

WHEREAS, the parties further agree to modify the deadline for the Opposition brief in all three actions to be due by July 29, 2016.

WHEREAS, the parties further agree to modify the deadline for the Reply brief in all three actions to be due by August 8, 2016.

WHEREAS, the requested modification to the Motion’s briefing schedule will have no effect on the schedule for this case, and the proposed hearing date of September 1, 2016 for the Motion remains the same as requested in Plaintiff’s Motion.

IT IS HEREBY STIPULATED AND AGREED by the parties that Plaintiffs will file a

1 single Opposition brief to the Motion in all three actions by July 29, 2016, Defendant will file a
2 single Reply brief in support of the Motion in all three actions by August 8, 2016, and the proposed
3 hearing date for the Motion remains on September 1, 2016, or such other date thereafter that is
4 convenient for the Court.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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7 Dated: July 19, 2016

WINSTON & STRAWN LLP

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9 By /s/ David P. Enzminger
David P. Enzminger
James C. Lin
10 Michael A. Tomasulo
11 Gino Cheng
David K. Lin
12 Dan K. Webb
Kathleen B. Barry

13 Attorneys for Plaintiff
14 ACTIVISION | BLIZZARD, INC.

15 Dated: July 19, 2016

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23 ACCELERATION BAY LLC
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1 **ATTESTATION**

2 I, David P. Enzminger, am the ECF user whose ID and password are being used to file this
3 JOINT STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE BRIEFING AND
4 HEARING FOR ACCELERATION BAY LLC'S MOTION TO DISMISS OR TRANSFER
5 PLAINTIFFS' COMPLAINTS. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that
6 Defendant's counsel, Lisa Kobialka, has concurred in this filing.

7 By: /s/ David P. Enzminger
8 David P. Enzminger
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12 ~~[PROPOSED]~~ ORDER

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

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15 Dated: 7/20/16



16 JUDGE HON. RICHARD SEEBORG
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